

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3746-01
Bill No.: Perfected HB 2023
Subject: Children and Minors: Elementary and Secondary Education
Type: Original
Date: March 21, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
School Districts	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education, Office of Administration - Administrative Hearing Commission**, and the **Office of State Courts Administrator** stated that this proposed legislation would have no fiscal impact on their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

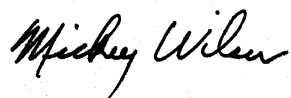
Under current law, a parent of a child with an individual education plan may request an expedited hearing to challenge the disciplinary placement of the child in an interim alternative setting or to challenge a manifestation determination connected with an interim placement for weapons, drugs, or dangerous behavior. An education agency may also request such a hearing to seek placement of a violent student.

This proposed legislation replaces the specific reasons for the disciplinary placement with language that permits a parent to request a hearing on any disciplinary change of placement. The proposal also revises the appeal procedure for the hearing panel decision, which currently permits appeals pursuant to the administrative procedures statute. Instead, this proposal specifies that a court will hear the case without a jury upon the record filed as the resolution conference statutes provide and limits the court's review to a determination of whether the agency's action violates the constitution, was made upon unlawful procedures, is arbitrary or unsupported by the evidence, or involves an abuse of discretion.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education
Office of Administration
Administrative Hearing Commission
Office of Courts Administrator

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Acting Director
March 21, 2002